

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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FRANK BILELLO, individually and on behalf of all others similarly situated, Plaintiff, vs. JPMORGAN CHASE RETIREMENT PLAN, JPMORGAN CHASE DIRECTOR OF HUMAN RESOURCES, as administrator of the JPMorgan Chase Retirement Plan, Defendants.
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NOTICE OF MOTION

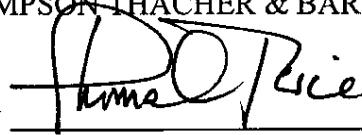
PLEASE TAKE NOTICE, that upon the affidavit of Thomas C. Rice, Esq., sworn to on February 25, 2008, and the exhibits attached thereto, and the accompanying Memorandum of Law, Defendants JPMorgan Chase Retirement Plan and JPMorgan Chase & Co.'s Director of Human Resources (collectively, "Defendants") will move before the Honorable Richard J. Sullivan, United States District Judge, at Courtroom 21C of the United States District Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time designated by the Court, for an order, pursuant to Federal Rules of Civil Procedure 8(a) and 12(b)(6), dismissing with prejudice Plaintiff's First Amended Class Action Complaint (annexed hereto as Exhibit A).

PLEASE TAKE FURTHER NOTICE, that, pursuant to the Court's Scheduling Order dated January 14, 2008, (1) Plaintiff's Opposition is required to be filed on or before March 31, 2008, and (2) Defendants' Reply is required to be filed on or before April 14, 2008. Oral argument will be at a date and at a time designated by the Court.

Dated: New York, New York
February 25, 2008

SIMPSON THACHER & BARTLETT LLP

By



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